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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Antigua and Barbuda, Argentina, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, South Africa, Spain, Sweden, Togo, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

Safety and security of humanitarian personnel and protection of United Nations personnel

The General Assembly,

Reaffirming its resolution 46/182 of 19 December 1991 on strengthening of the coordination of humanitarian emergency assistance of the United Nations,

Recalling its resolutions 53/87 of 7 December 1998, 54/192 of 17 December 1999 and 55/175 of 19 December 2000 on safety and security of humanitarian personnel and protection of United Nations personnel, as well as resolutions 52/167 of 16 December 1997 on safety and security of humanitarian personnel and 52/126 of 12 December 1997 on protection of United Nations personnel,

Taking note of the report of the Secretary-General on protection of civilians in armed conflict[1] and of Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 and the recommendations made therein, as well as the statements of the President of the Security Council of 9 February 2000 on protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones,[2] of 30 November 1999 on the role of the Security

* Reissued for technical reasons.

[1] S/2001/331.

[2] S/PRST/2000/4; see *Resolutions and Decisions of the Security Council, 2000*.

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Council in the prevention of armed conflicts,[3] of 13 January 2000 on humanitarian assistance to refugees in Africa[4] and of 9 March 2000 on humanitarian aspects of issues before the Security Council,[5] and, in this context, also noting the range of views expressed during all open debates of the Security Council on these issues,

Taking note also of the report of the Special Committee on Peacekeeping Operations,[6] as well as the report of the Special Committee on Peacekeeping Operations[7] on the report of the Panel on United Nations Peace Operations[8] and the report of the Secretary-General on the implementation of that report,[9]

Reaffirming the need to promote and ensure respect for the principles and rules of international humanitarian law,

Deeply concerned by the growing number of complex humanitarian emergencies in the past few years, in particular in armed conflicts and in post-conflict situations, which have dramatically increased the loss of human lives, in particular of civilians, the suffering of victims, flows of refugees and internally displaced persons, as well as material destruction, which disrupt the development efforts of the countries affected, in particular those of developing countries,

Concerned by the increasingly difficult context in which humanitarian assistance takes place in some areas, in particular the continuous erosion, in many cases, of respect for the principles and rules of international humanitarian law,

Deeply concerned by the dangers and security risks faced by humanitarian personnel and United Nations and its associated personnel at the field level and mindful of the need to improve the current security management system in order to improve their safety and security,

Strongly deploring the rising toll of casualties among national and international humanitarian personnel and United Nations and its associated personnel in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations,

Strongly condemning the acts of murder and other forms of violence, rape and sexual assault, intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their property,

Strongly condemning also all incidents in many parts of the world where humanitarian personnel were deliberately targeted and expressing profound regret at the deaths of all United Nations and other personnel involved in the provision of humanitarian assistance,

Reaffirming that ensuring the safety and security of United Nations personnel constitutes an underlying duty of the Organization, which must be based on a

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[3] S/PRST/1999/34; see *Resolutions and Decisions of the Security Council, 1999*.
[4] S/PRST/2000/1; see *Resolutions and Decisions of the Security Council, 2000*.
[5] S/PRST/2000/7; see *Resolutions and Decisions of the Security Council, 2000*.
[6] A/55/1024 and Add.1.
[7] A/C.4/55/6.
[8] A/55/305-S/2000/809.
[9] A/55/502.

necessary cost-sharing arrangement with the relevant agencies, funds and programmes within the United Nations system,

Recalling that primary responsibility under international law for the security and protection of humanitarian personnel and United Nations and its associated personnel lies with the Government hosting a United Nations operation conducted under the Charter of the United Nations or its agreements with relevant organizations,

Urging all other parties involved in armed conflicts, in compliance with international humanitarian law, in particular their obligations under the 1949 Geneva Conventions[10] and the obligations applicable to them under the Additional Protocols thereto of 8 June 1977,[11] to ensure the security and protection of all humanitarian personnel and United Nations and its associated personnel,

Expressing concern that the occurrence of attacks and threats against humanitarian personnel and United Nations and its associated personnel is a factor that increasingly restricts the ability of the Organization to provide assistance and protection to civilians in fulfilment of its mandate and Charter,

Recalling the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter as a war crime in the Rome Statute of the International Criminal Court, adopted on 17 July 1998,[12] and noting the role that the Court could play in appropriate cases in bringing to justice those responsible for serious violations of international humanitarian law,

Noting that the Convention on the Safety of United Nations and Associated Personnel, which entered into force on 15 January 1999,[13] has been ratified by fifty-five Member States as at the present date,

Mindful of the need to promote universality of the Convention on the Safety of United Nations and Associated Personnel,

Reaffirming the fundamental requirement that appropriate modalities for the safety and security of humanitarian and United Nations and its associated personnel be incorporated into all new and ongoing United Nations field operations,

Increasingly concerned about the need to ensure adequate levels of safety and security for United Nations personnel and humanitarian personnel and a culture of accountability at all levels, from the highest to the lowest, throughout the United Nations system, and, in this regard, commending the recent efforts by the United Nations agencies, funds and programmes aimed at the improvement of security management and training of their personnel,

Commending the courage and commitment of those who take part, often at great personal risk, in humanitarian operations, especially of locally recruited staff,

Guided by the relevant provisions on protection contained in the Convention on the Privileges and Immunities of the United Nations of 13 February 1946,[14] the

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[10] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[11] Ibid., vol. 1125, Nos. 17512 and 17513.

[12] A/CONF.183/9.

[13] Resolution 49/59, annex.

[14] Resolution 22 A (I).

Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947,[15] the Convention on the Safety of United Nations and Associated Personnel, the Fourth Geneva Convention of 12 August 1949[16] and Additional Protocols of 8 June 1977,[11] and Amended Protocol II to the Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980,[17]

1. *Takes note with appreciation* of the report of the Secretary-General on the safety and security of humanitarian personnel and protection of United Nations personnel;[18]

2. *Urges* all States to take the necessary measures to ensure the full and effective implementation of the relevant principles and rules of international law, including international humanitarian law, as well as the relevant provisions of human rights and refugee law related to the safety and security of humanitarian personnel and United Nations personnel;

3. *Also urges* all States to take the necessary measures to ensure the safety and security of humanitarian personnel and United Nations and its associated personnel and to respect and ensure respect for the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations;

4. *Calls upon* all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

5. *Strongly condemns* any act or failure to act, contrary to international law, which obstructs or prevents humanitarian personnel and United Nations personnel from discharging their humanitarian functions, or which entails their being subjected to threats, the use of force or physical attack, which frequently result in injury or death, and affirms the need to hold accountable those who commit such acts and, for that purpose, the need to enact national legislation, as appropriate;

6. *Urges* all States to ensure that any threat or act of violence committed against humanitarian personnel on their territory is fully investigated and to take all appropriate measures, in accordance with international law and national law, to ensure that the perpetrators of such acts are duly prosecuted;

7. *Requests* the Secretary-General to take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United

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[15] Resolution 179 (II).

[16] United Nations, *Treaty Series*, vol. 75, No. 973.

[17] See *The United Nations Disarmament Yearbook*, vol. 5, 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

[18] A/56/384 and Corr.1.

Nations operation and to continue to consider ways and means in which to strengthen the protection of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, notably by seeking the inclusion, in negotiations of headquarters and other mission agreements concerning United Nations and its associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations,[14] the Convention on the Privileges and Immunities of the Specialized Agencies[15] and the Convention on the Safety of United Nations and Associated Personnel;[13]

8. *Emphasizes* the importance of paying special attention to the safety and security of United Nations personnel and its associated personnel engaged in United Nations peacekeeping and peace-building operations;

9. *Recommends* that the Secretary-General continue to seek the inclusion of relevant provisions of the Convention on the Safety of United Nations and Associated Personnel in the status-of-forces or status-of-mission agreements concluded by the United Nations;

10. *Calls upon* all States to provide adequate and prompt information in the event of arrest or detention of humanitarian personnel or United Nations personnel, to afford them the necessary medical assistance and to allow independent medical teams to visit and examine the health of those detained, and urges them to take the necessary measures to ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions referred to in the present resolution and applicable international humanitarian law;

11. *Underlines* the need to allocate adequate and predictable resources to the safety and security of United Nations personnel;

12. *Calls upon* all other parties involved in armed conflicts, in compliance with international humanitarian law, in particular their obligations under the 1949 Geneva Conventions[10] and the obligations applicable to them under the Additional Protocols thereto,[11] to ensure the safety and protection of humanitarian personnel and United Nations and its associated personnel, to refrain from abducting or detaining them in violation of their immunity under relevant conventions referred to in the present resolution and applicable international humanitarian law and to speedily release any abductee or detainee without harm;

13. *Encourages* all States to become parties to and respect fully their obligations under the relevant international instruments, including the Convention on the Safety of United Nations and Associated Personnel;

14. *Calls upon* all States to consider becoming parties to the Rome Statute of the International Criminal Court;[12]

15. *Reaffirms* the obligation of all humanitarian personnel and United Nations personnel and its associated personnel to observe and respect the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations;

16. *Calls upon* all States to promote a climate of respect for the security of United Nations and humanitarian personnel;

17. *Requests* the Secretary-General to take the necessary measures, falling within his responsibilities, to ensure that security matters are an integral part of the planning for existing and newly mandated United Nations operations and that such precautions extend to all United Nations and its associated personnel;

18. *Also requests* the Secretary-General to take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed about the conditions under which they are called to operate, including relevant customs and traditions in the host country, and the standards that they are required to meet, including those contained in relevant domestic and international law, and that adequate training in security, human rights and in international humanitarian law is provided so as to enhance their security and effectiveness in accomplishing their functions, and reaffirms the necessity for all other humanitarian organizations to provide their personnel with similar support;

19. *Emphasizes* the need to give further consideration to the safety and security of locally recruited humanitarian personnel and United Nations and its associated personnel, who account for the majority of casualties;

20. *Requests* the Office of the United Nations Security Coordinator to continue to play a central role in promoting an increased cooperation and collaboration among agencies, funds and programmes in the planning and implementation of measures aimed at improving staff security training and awareness;

21. *Stresses* the need to ensure that all United Nations staff members receive adequate security training, including physical and psychological training, prior to their deployment to the field, the need to attach a high priority to the improvement of stress and trauma counselling services available to United Nations staff members, including through the implementation of a comprehensive security and stress and trauma management training, support and assistance programme for United Nations staff throughout the system, before, during and after missions, and the need to make available to the Secretary-General the means to achieve this purpose;

22. *Encourages* all States to contribute to the Trust Fund for Security of Staff Members of the United Nations System;

23. *Reaffirms* the need to strengthen the Office of the United Nations Security Coordinator, and, in this regard, reiterates the need for the appointment of a full-time Security Coordinator, at the appropriate level, so as to enable the Office to enhance its capacity in the discharge of its duties, in consultation with the Office for the Coordination of Humanitarian Affairs of the Secretariat and appropriate agencies within the Inter-Agency Standing Committee, and calls for the expeditious consideration of this recommendation;

24. *Recognizes* the need for a strengthened and comprehensive security management system for the United Nations system, at both the Headquarters and field levels, and requests the United Nations system, as well as Member States, to take all appropriate measures needed to that end;

25. *Also recognizes* the need for enhanced coordination and cooperation, at both the Headquarters and field levels, between the United Nations security management system and non-governmental organizations on matters relating to the

safety and security of humanitarian personnel, United Nations and its associated personnel, with a view to addressing mutual security concerns in the field;

26. *Welcomes* the establishment, in accordance with its resolution 56/89 of 12 December 2001, of an ad hoc committee open to all Member States or members of the specialized agencies or of the International Atomic Energy Agency, to consider the recommendations made by the Secretary-General in his report on measures to strengthen and enhance the protective legal regime for United Nations and associated personnel;[19]

27. *Calls upon* all States to consider becoming parties to and to respect fully their obligations under the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies, which have been ratified so far by one hundred and forty-five States and one hundred and seven States, respectively;

28. *Recalls* the essential role of telecommunication resources in facilitating the safety of humanitarian personnel and United Nations and its associated personnel, calls upon States to consider signing and ratifying the 1998 Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations,[20] and encourages them, pending the entry into force of the Convention, to facilitate, consistent with their national laws and regulations, the use of communications equipment in such operations;

29. *Requests* the Secretary-General to submit to it at its fifty-seventh session a comprehensive, updated report on the safety and security situation of humanitarian personnel and protection of United Nations personnel and on the implementation of the present resolution, including the progress made by the Secretary-General in pursuing accountability, and assessing responsibility for all individual security incidents that involve United Nations and its associated personnel at all levels throughout the United Nations system, as well as an account of the measures taken by Governments and the United Nations to prevent and respond to such incidents.

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[19] A/55/637.

[20] United Nations Treaty registration No. 27688.